

MARGARET A. MCLEATCHIE, Nevada Bar No. 10931
 ALINA M. SHELL, Nevada Bar No. 11711
MCLEATCHIE LAW
 701 East Bridger Ave., Suite 520
 Las Vegas, Nevada 89101
 Telephone: (702) 728-5300; Fax: (702) 425-8220
 Email: maggie@nvlitigation.com
Attorneys for Plaintiff Mary Benson

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

MARY BENSON, an individual,
 Plaintiff,
 vs.

Case. No.: 2:19-cv-01949-RFB-VCF

LAS VEGAS METROPOLITAN POLICE
 DEPARTMENT, in its official capacity; and,
 BRET EMPEY, in his official capacity as
 Sergeant of the Las Vegas Metropolitan
 Police Department;
 Defendants.

**STIPULATION AND ORDER TO
 EXTEND DISCOVERY
 DEADLINES
 (FIFTH REQUEST)
 [ECF No. 35]**

Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 26-4, Plaintiff MARY BENSON and Defendants LAS VEGAS METROPOLITAN POLICE DEPARTMENT and BRET EMPEY (“LVMPD Defendants”), by their respective counsel, hereby submit this *Stipulation and Order to Extend Discovery Deadlines (Fifth Request)* to request the Court to continue the pretrial and trial dates by sixty (60) days.

I. DISCOVERY CUT-OFF DEADLINES

A. The discovery cut-off date shall be rescheduled from July 1, 2021 to **August 30, 2021**;

B. The deadline for the initial disclosure of experts and expert reports shall be rescheduled from April 30, 2021 to **June 29, 2021**;

C. The deadline for the disclosure of rebuttal experts and their reports shall be rescheduled from June 1, 2021 to **July 29, 2021**;

D. The deadline to file dispositive motions shall be rescheduled from August 1, 2021 to **September 30, 2021**; and

E. The deadline to file the Joint Pretrial Order shall be rescheduled from August 31, 2021 to **November 1, 2021**. If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until thirty (30) days after decision on the dispositive motions or further court order.

II. REASON FOR THE REQUESTED EXTENSION

Pursuant to Local Rule 26-4, the Parties submit that good cause exists for the extension requested.

The Parties have been diligently conducting discovery. Since January 2020, the Parties have propounded and responded to requests for written discovery; have produced documents relating to liability issues; and have been working to coordinate depositions. The Parties acknowledge that, pursuant to Local Rule 26-4, a stipulation to extend a deadline set forth in a discovery plan must be submitted to the Court no later than 21 days before the expiration of the subject deadline, and that a request made within 21 days must be supported by a showing of good cause. Here, the deadline for the initial disclosure of initial experts and initial expert reports is currently April 30, 2021. Thus, the instant stipulation to extend the deadline for initial expert disclosures is untimely.

Good cause exists to excuse this untimely request. Specifically, counsel for Plaintiff has had several deadlines in competing matters in state and federal court which have interfered with the completion of discovery in this matter. In the month of March, for example, counsel for Plaintiff had dispositive motions due in both a state court matter and a federal civil rights case, both of which required extensive time and resources to prepare. Counsel for Plaintiff has also been preparing for trial in a state court matter which is set to begin on May 18, 2021, and a federal civil trial in the Central District of California which is set to begin on June 8, 2021. In addition, counsel for Plaintiff has several appellate deadlines in both state and federal court which have interfered with the completion of discovery in this matter.

Additional time is also needed for discovery due to the current State of Emergency resulting from the COVID-19 virus, including ongoing office closures and limitations on

travel and personal contact, the Parties have been limited in their ability to conduct depositions.

III. STATUS OF DISCOVERY EFFORTS TO DATE

The following discovery has been completed to date:

1. LVMPD Defendants provided their Fed. R. Civ. P. 26.1 Production of Documents and Witness List on January 6, 2020;

2. Plaintiff Mary Benson provided her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on January 7, 2020;

3. LVMPD Defendants propounded their First Set of Requests for Production of Documents to Plaintiff Mary Benson on January 17, 2020;

4. Plaintiff Mary Benson responded to LVMPD Defendants' First Set of Requests for Production of Documents on March 10, 2020;

5. Plaintiff provided her First Supplement to her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on March 10, 2020;

6. Plaintiff Mary Benson propounded her First Set of Requests for Production of Documents to Defendant Sgt. Bret Empey on March 13, 2020;

7. Plaintiff Mary Benson propounded her First Set of Requests for Production of Documents to Defendant Las Vegas Metropolitan Police Department on March 13, 2020.

8. LVMPD Defendants provided their First Supplement to their Fed. R. Civ. P. 26.1 Production of Documents and Witness List on May 11, 2020;

9. Defendant Sgt. Bret Empey responded to Plaintiff Mary Benson's First Set of Requests for Production of Documents on May 11, 2020;

10. Defendant Las Vegas Metropolitan Police Department responded to Plaintiff Mary Benson's First Set of Requests for Production of Documents on May 11, 2020; and

11. Plaintiff provided her Second Supplement to her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on February 23, 2021.

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IV. DISCOVERY REMAINING

The Parties agree that the following discovery must be completed:

1. The deposition of Plaintiff;
2. The depositions of Defendants;
3. The depositions of witnesses;
4. The deposition(s) of the Defendants' Person(s) Most Knowledgeable;
5. The deposition(s) of expert witness(es) designated by all Parties;
6. Additional written discovery; and
7. Additional records collection.

V. CONCLUSION

Based on the above, requisite good cause exists to warrant an extension of the Scheduling Order (ECF No. 35) deadlines. Accordingly, the Parties respectfully request that this Court extend the current deadlines by sixty (60) days in order to allow all Parties to adequately complete discovery and to resolve present scheduling conflicts.

IT IS SO STIPULATED.

DATED this the 28th day of April, 2021.

DATED this the 28th day of April, 2021.

MARQUIS AURBACH COFFING

MCLETCHE LAW

/s/ Nick D. Crosby
 Nick D. Crosby, NBN 8996
 10001 Park Run Drive
 Las Vegas, NV 89145
 Email: ncrosby@maclaw.com
 Attorney for LVMPD Defendants

/s/ Alina M. Shell
 Margaret A. McLetchie, NBN 10931
 Alina M. Shell, NBN 11711
 701 East Bridger Ave., Suite 520
 Las Vegas, NV 89101
 Email: maggie@nvlitigation.com
 Attorneys for Mary Benson

ORDER

IT IS SO ORDERED.

DATED this 28th day of April, 2021.



 U.S. MAGISTRATE JUDGE